

**REMARKS**

Applicants note that Claims 13-15, 25-26 and 38 have been withdrawn by the Examiner as non-elected subject matter. Claims 1-4, 6-9, and 11-12 remain pending in the instant application after the foregoing amendments. Applicants expressly reserve the right to file continuation application to any subject matter not currently being pursued.

Section 112, Second Paragraph

The Examiner has rejected Claim 4, under 35 USC 112, second paragraph. Applicants have amended Claim 4 to remove the "cycloalkyl" reference. Applicants assert that the Examiner's concern has been addressed and respectfully request that this rejection be withdrawn.

The Examiner has rejected Claims 1-3 and 6, under 35 USC 112, first paragraph. The Examiner has alleged that, while the Claims are enabled for compounds where  $R^3$  is  $C_1-C_{10}$  alkyl-O-Rg or  $C_1-C_{10}$  alkyl-(C=O) $_b$ -NR<sup>f</sup>R<sup>f'</sup>, Claims 1-3 and 6 are not enabled for the other definitions of  $R^3$ .

Applicants respectfully traverse this rejection. Applicants contend that the instant application does enable the compounds of Claims 1-3 as originally filed. In addition to the specific exemplification of compounds where  $R^3$  is  $C_1-C_{10}$  alkyl-O-Rg or  $C_1-C_{10}$  alkyl-(C=O) $_b$ -NR<sup>f</sup>R<sup>f'</sup>, Scheme G and Example 4 also depict the definition  $C_1-C_{10}$  alkenyl-O-Rg. Applicants contend that all of the Examples and Schemes, along with chemical syntheses known in the art, can be utilized by one with skill in the art to prepare compounds where  $R^3$  is something other than  $C_1-C_{10}$  alkyl-O-Rg,  $C_1-C_{10}$  alkyl-(C=O) $_b$ -NR<sup>f</sup>R<sup>f'</sup>, or  $C_1-C_{10}$  alkenyl-O-Rg.

However, in order to expedite the prosecution of the instant application, Applicants have amended Claims 1-3 to define  $R^3$  as  $C_1-C_{10}$  alkyl-O-Rg or  $C_1-C_{10}$  alkyl-(C=O) $_b$ -NR<sup>f</sup>R<sup>f'</sup>. Therefore, the Examiner's rejection is rendered moot with respect to the definition of  $R^3$  and Applicants respectfully request that this rejection be withdrawn.

Claim Objections

The Examiner has objected to Claim 8 and has indicated that the first compound of page 28 of the preliminary amendment contained a typo. Applicants have amended the name of that compound and request that the objection be withdrawn.

The Examiner has objected to Claims 4, 7 and 12, which the Examiner indicated would be allowable. Applicants assert that the amendments made herein render the Examiner's objections moot and request that the objections be withdrawn.

Double Patenting

The Examiner has provisionally rejected Claims 1-4, 6-9 and 11-12 on ground of nonstatutory double patenting over co-pending patent applications. As this rejection is a provisional rejection, based on pending application which are still undergoing prosecution and wherein no allowable subject matter has yet been identified, Applicants request that this rejection be held in abeyance.

If a telephonic communication with the Applicants' representative will advance the prosecution of the instant application, please telephone the representative indicated below. Applicants believe no additional fees are due but the Commissioner is authorized to charge any fees required in connection with this amendment to Merck Deposit Account No. 13-2755.

Respectfully submitted,

By

  
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